

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Attorney's Docket Number: 5552-0738-028

Prior Application:

Art Unit: 1814

Examiner:

K. Furman

SIR: This is a request for filing a

[ ] Continuation [CXX] Divisional Application under 37 C.F.R. § 1.60 of pending prior application Serial No. 07/746,161 filed August 14, 1991 of Michael MACH, Heidi MEYER, Michael BROKER and Leander LAUFFER for STRUCTURAL PHOSPHOPROTEIN (PP28) OF HUMAN CYTOMEGALOVIRUS (HCMV), THE PREPARATION AND USE THEREOF, which is a continuation of application Serial No. 07/313,553, filed February 22, 1989.

1. [XX] Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 07/313,553 as originally filed on February 22, 1989 (date).
2. [XX] Cancel Claims 9-16 leaving claims 1-8.
3. [XX] A Preliminary Amendment will follow.
4. [XX] The filing fee is calculated on the basis of the claims existing in the prior application as amended at 2 and 3 above.

For	:	Number Filed	:	Number Extra	:	Rate	:	Basic Fee
Total	:	:	:	:	:	:	:	\$730.00
Claims	:	8 -20=	:	0	:	x\$ 22.00=	:	\$
Independent	:	:	:	:	:	:	:	
Claims	:	2 -3=	:	0	:	x\$ 76.00=	:	
Multiple Dependent Claim(s) (if applicable)					:	+\$240.00=	:	
Total					=:		:	\$730.00
Reduction by 1/2 for					:		:	
filing by small entity					:	-	:	
TOTAL FILING FEE					=:		:	\$730.00

5. [XX] A check in the amount of \$ 730.00 to cover the filing fee is enclosed.
6. [XX] The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.

7. [XX] Amend the specification by inserting before the first line, the sentence:

--This is a [ ] continuation [XX] division of application Serial No. 07/746,161,  
filed August 14, 1991, which is a continuation of application Serial No. 07/313,553,  
filed February 22, 1989, abandoned.--

8. [ ] New formal drawings are enclosed.

9. [XX] The prior application is assigned of record to: BEHRINGWERKE AKTIENGESELLSCHAFT  
Reel 5050, Frame 0813.

10. [XX] Priority of application Serial No. P 38 05 717.4, filed on February 24, 1988 in  
Germany (country) is claimed under 35 U.S.C. § 119.

A certified copy

[ ] is enclosed or [XX] is on file in the prior application.

11. [ ] A verified statement claiming small entity status

[ ] is enclosed or [ ] is on file in the prior application.

12. [XX] The power of attorney in the prior application is to at least one of the  
following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, Reg. No. 22,540,  
Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630;  
Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G.  
Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D.  
Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne,  
Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg.  
No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg.  
No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg.  
No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680;  
Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D.  
Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill,  
Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg.  
No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818;  
Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W.  
Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B.  
Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse,  
Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P.  
Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; Roger D. Taylor, Reg.  
No. 28,992; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146;  
Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738;  
Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C.  
McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V.  
Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824.

13. [XX] The power appears in the original declaration of the prior application.

14. [ ] Since the power does not appear in the original declaration,  
a copy of the power in the prior application is enclosed.

15. [XX] Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT  
and DUNNER, 1300 I Street, N.W., Washington, D.C. 20005-3315.

16. [XX] Recognize as associate attorney David S. Forman, Reg. No. 35,694

(name, address & Reg. No.)

17. [ ] Also enclosed is \_\_\_\_\_

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 07/746,161, filed August 14, 1991, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER

By: Carol P. Einaudi  
Carol P. Einaudi

Date: June 2, 1995

Reg. No.: 32,220